

**KESSLER TOPAZ
MELTZER & CHECK, LLP**
Johnston de F. Whitman, Jr.
jwhitman@ktmc.com
Jonathan F. Neumann
jneumann@ktmc.com
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056

**BONNETT, FAIRBOURN,
FRIEDMAN & BALINT, P.C.**
Francis J. Balint, Jr.
fbalint@bffb.com
Andrew S. Friedman
afriedman@bffb.com
2325 E. Camelback Road, Suite 300
Phoenix, AZ 85016
Telephone: (602) 274-1100
Facsimile: (602) 274-1199

-and-

*Liaison Counsel for Lead Plaintiff,
Class Representative, and the Class*

Jennifer L. Joost
jjoost@ktmc.com
One Sansome Street, Suite 1850
San Francisco, CA 94104
Telephone: (415) 400-3000
Facsimile: (415) 400-3001

Lead Counsel for Lead Plaintiff, Class Representative, and the Class

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Richard Di Donato, Individually and On Behalf of All Others Similarly Situated,

Plaintiff,

v.

Insys Therapeutics, Inc.; Michael L. Babich; Darryl S. Baker; and John N. Kapoor.

Defendants.

No. 16-cv-00302-NVW

CLASS ACTION

**JOINT NOTICE OF
SETTLEMENT BETWEEN LEAD
PLAINTIFF AND DEFENDANT
BAKER**

1 Pursuant to Local Rule of Civil Procedure 40.2(d) and paragraph 9 of the Court's
 2 Case Management Order (Doc. 147), Lead Plaintiff and Class Representative Clark
 3 Miller ("Lead Plaintiff") and Defendant Darryl S. Baker ("Mr. Baker" and together with
 4 Lead Plaintiff, the "Parties") hereby give notice that the Parties have reached a
 5 settlement, memorialized in an executed term sheet, to resolve all claims against Mr.
 6 Baker on a class-wide basis. Lead Plaintiff's claims against Defendants John N. Kapoor
 7 and Michael L. Babich are unaffected by the settlement. The Parties to the settlement
 8 are in the process of drafting a motion for preliminary approval and related settlement
 9 documentation, and expect to file those documents with the Court within the next
 10 fourteen (14) days. Accordingly, as reflected in the accompanying [Proposed] Order,
 11 the Parties respectfully request that the Court stay this matter as to Mr. Baker pending
 12 its final approval of the settlement, and make clear that the Court's decision on the
 13 pending Motion for Summary Judgment (Doc. 317) does not apply to Mr. Baker unless
 14 the settlement between Lead Plaintiff and Mr. Baker is not approved by the Court. The
 15 Parties are available at the Court's convenience to address any questions.

16

17 DATED: May 8, 2020

Respectfully submitted,

18

**KESSLER TOPAZ
MELTZER & CHECK, LLP**

19

20

*s/ Johnston de F. Whitman, Jr.*Johnston de F. Whitman, Jr. (admitted *Pro Hac Vice*)

jwhitman@ktmc.com

21

Jonathan F. Neumann (admitted *Pro Hac Vice*)

jneumann@ktmc.com

22

280 King of Prussia Road

23

Radnor, PA 19087

24

Telephone: (610) 667-7706

25

Facsimile: (610) 667-7056

-and-

26

Jennifer L. Joost (admitted *Pro Hac Vice*)

27

jjoost@ktmc.com

28

One Sansome Street, Suite 1850

San Francisco, CA 94104

Telephone: (415) 400-3000

Facsimile: (415) 400-3001

1 *Lead Counsel for Lead Plaintiff, Class*
2 *Representative, and the Class*

3 **BONNETT, FAIRBOURN,**
4 **FRIEDMAN & BALINT, P.C.**

5 Francis J. Balint, Jr.
6 fbalint@bffb.com
7 Andrew S. Friedman
8 afriedman@bffb.com
9 2325 E. Camelback Road, Suite 300
10 Phoenix, AZ 85016
11 Telephone: (602) 274-1100
12 Facsimile: (602) 274-1199

13 *Liaison Counsel for Lead Plaintiff, Class*
14 *Representative, and the Class*

15 s/ George J. Coleman with permission

16 George J. Coleman

17 gjc@slwplc.com

18 Michael K. Foy

19 mkf@slwplc.com

20 **SALMON, LEWIS & WELDON, P.L.C.**

21 2850 E. Camelback Road, Suite 200

22 Phoenix, AZ 85016

23 Telephone: 602-801-9060

24 Facsimile: 602-801-9070

25 *Counsel for Defendant Darryl S. Baker*

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2020, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to those persons who are CM/ECF registrants:

Don Bivens
dbivens@swlaw.com
Anthony T. King
aking@swlaw.com
SNELL & WILMER LLP
One Arizona Center
400 E. Van Buren
Phoenix, AZ 85004
Telephone: 602-382-6513
Facsimile: 602-382-6070

David B. Rosenbaum
drosenbaum@omlaw.com
OSBORN MALEDON PA
2929 N. Central Ave.,
21st Floor
Phoenix, AZ 85012
Telephone: 602-640-9000
Facsimile: 602-640-9050

George J. Coleman
gjc@slwplc.com
Michael K. Foy
mkf@slwplc.com
**SALMON, LEWIS &
WELDON, P.L.C.**
2850 E. Camelback Road,
Suite 200
Phoenix, AZ 85016
Telephone: 602-801-9060
Facsimile: 602-801-9070

William Klain
wklain@lang-klain.com
Zachary Rosenberg
zrosenberg@lang-klain.com
LANG & KLAİN, PC
6730 N. Scottsdale Road
Suite 101
Scottsdale, AZ 85253
Telephone: 480-534-4900
Facsimile: 480-970-5034

Bahram Seyedin-Noor
bahram@altlit.com
Bryan Ketroser
bryan@altlit.com
Jared Kopel
jared@altlit.com
Ian Browning
ian@altlit.com
ALTO LITIGATION
4 Embarcadero Center,
Suite 1400
San Francisco, CA 94111
Telephone: 415-779-2586
Facsimile: 866-654-7207

Brian T. Kelly
bkelly@nixonpeabody.com
Matthew L. McLaughlin
mmclaughlin@nixonpeabody.com
George J. Skelly
gskelly@nixonpeabody.com
NIXON PEABODY LLP
Exchange Place
53 State St.
Boston, MA 02109
Telephone: 617-345-1000
Facsimile: 617-345-1300

Russell Piccoli
rp@winazlaw.com
RUSSELL PICCOLI PLC
701 N. 44th St.
Phoenix, AZ 85008
Telephone: 480-429-3000
Facsimile: 480-429-3100

s/ Johnston de F. Whitman, Jr.